

ADVISORY OPINION 98-002

Any advisory opinion rendered by the Registry under subsections (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is rendered. KRS 121.135(4).

September 19, 2006

Mr. James R. Hendrix, Jr.
Treasurer, Committee to Elect Louis R. Haire
2420 Woodland Drive
Owensboro, Kentucky 42301

Dear Mr. Hendrix:

This is in response to your April 2, 1998, request for an advisory opinion regarding the contribution limits for local unions' political action committees where such unions are members of a joint labor or trade council. Your specific question is whether a campaign committee may solicit separate contributions from the political action funds of local unions who are joint members of the Owensboro Area Building and Construction Trades Council ("the Council"). Your letter indicates that the Committee to Elect Louis R. Haire ("the Committee") has received a contribution for \$1,000 from the Political Action Fund of the Plumbers and Pipe Fitters Local 633, which is a member of the Council.

The provisions of KRS 121.150(7) require the Kentucky Registry of Election Finance ("the Registry") to determine whether permanent committees are affiliated by bylaw structure or registration. Permanent committees that are affiliated are considered one (1) committee for the purpose of applying the contribution limits of KRS 121.150(6). The Registry promulgated regulations, 32 KAR 2:190, to define affiliated committees. The regulations provide that permanent committees shall be considered affiliated if they are "established, financed, maintained, or **controlled by or in common control with . . .** a membership organization . . . including a **trade or professional association or group.**" 32 KAR 2:190, Section 1(1)(c) (Emphasis added.) Further, the regulations permit the Registry to consider in its affiliation determination factors such as whether there is an

Mr. James R. Hendrix, Jr.
May 4, 1998
AO 98-002
Page 2

ongoing provision of funds between the committees and whether a common or overlapping membership indicates a formal ongoing relationship. 32 KAR 2:190, Section 2.

On December 18, 1998, the Registry issued Advisory Opinion 97-011 to the Owensboro Area Building and Construction Trades Council. Based on KRS 121.150(7) and the regulations promulgated thereunder, the opinion held that the Council and its members were affiliated for the purposes of Kentucky's contribution limits. The permanent committees created by the local unions as their political action funds are similarly affiliated with the Council for the purpose of Kentucky's contribution limits.

As your Committee has already accepted a \$1,000 contribution from the Political Action Fund of the Plumbers and Pipe Fitters Local 633, the solicitation and acceptance of any further contributions from any other local unions who are members of the Council, or from their respective political action funds, would violate KRS 121.150(6).

Sincerely,

Rosemary F. Center
General Counsel

RFC/db